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PATENT

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June A. Walker

June 3, 2004

June A. Walker

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Achilefu, et al.
Serial No: 10/800,531
Filed: March 15, 2004
Art Unit: 1616
Conf. No.: 2309
Examiner: Unknown
Title: **RECEPTOR-AVID EXOGENOUS OPTICAL CONTRAST
AND THERAPEUTIC AGENTS**
Atty Dkt: MRD-64CP

Cincinnati, Ohio 45202

June 3, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. The pertinency of each of these disclosures is evident in the file wrappers of applicants' Achilefu et al. parent application of U.S. Patent No. 6,706,254, Serial No. 09/864,011, filed May 23, 2001, which is a continuation-in-part of

U.S. Patent No. 6,395,257, Serial No. 09/484,322, filed January 18, 2000 upon which this continuation-in-part application is based. Accordingly, no further comment on the disclosures is believed necessary.

Copies of the cited references are in the parent case and thus copies are not submitted herewith, except for the following: International Search Report in the corresponding PCT Application No. PCT/US01/01407; Japanese reference No. JP59192595; A. Becker et al. reference entitled "Transferrin Mediated Tumor Delivery of Contrast Media for Optical Imaging and Magnetic Resonance Imaging"; Bergmark et al. reference entitled "Dramatic Fluorescence Effects for Coumarin Laser Dyes Coincluded with Organic Solvents in Cyclodextrins"; Braun-Falco et al. reference entitled "Liposome Dermatics"; Giulio Jori reference entitled "Novel Therapeutic Modalities Based on Photosensitized Processes"; Giulio Jori reference entitled "Far-red-absorbing photosensitizers: their use in the photodynamic therapy of tumours"; Jori and Reddi reference entitled "Second Generation Photosensitizers for the Photodynamic Therapy of Tumours"; Giulio Jori reference entitled "Tumour photosensitizers: approaches to enhance the selectivity and efficiency of photodynamic therapy"; Lasic and Martin (eds.) reference entitled "Stealth Liposomes"; and Brian C. Wilson reference entitled "Optical Properties of Tissues".

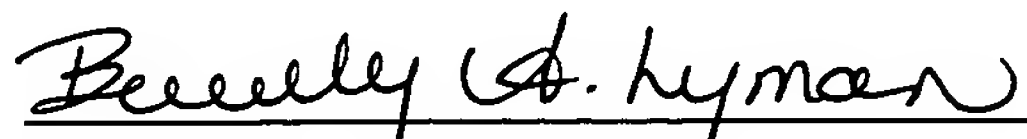
No representation is made that the cited art is the only art or that the cited art represents the best art.

The Examiner is urged to consider the cited references and to make an independent decision with respect to their materiality.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.


Beverly A. Lyman, Ph.D.
Reg. No. 41,961

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (office)
(513) 421-7269 (facsimile)

SUBSTITUTED FORM PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. MRD/64CP		SERIAL NO. 10/800,531	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				APPLICANT Achilefu et al.		FILING DATE March 15, 2004	
				GROUP 1616			

JUN 07 2004
 PATENT & TRADEMARK OFFICE

(37 C.F.R. 1.98(b))

U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A	5	2	4	6	8	2	8	09/1993	Okuyama et al.	430	576	04/1992
	A.B	5	4	5	3	5	0	5	09/1995	Lee et al.	544	124	06/1994
	A.C	5	6	7	2	3	3	3	09/1997	Rajagopalan et al.	424	9.6	05/1996
	A.D	5	7	0	9	8	4	5	01/1998	Rajagopalan et al.	424	9.6	05/1996
	A.E	5	7	2	3	1	0	4	03/1998	Fung et al.	424	9.6	05/1996
	A.F	5	7	3	2	1	0	4	03/1998	Brown et al.	375	222	12/1994
	A.G	6	1	8	0	0	8	5	01/2001	Achilefu et al.	424	9.6	01/2000
	A.H	6	1	8	0	0	8	6	01/2001	Achilefu et al.	424	9.6	01/2000
	A.I	6	1	8	0	0	8	7	01/2001	Achilefu et al.	242	9.6	01/2000
	A.J	6	1	8	3	7	2	6	02/2001	Achilefu et al.	424	9.6	01/2000
	A.K	6	1	9	0	6	4	1	02/2001	Achilefu et al.	424	9.6	01/2000

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS							
	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)	
*	A.L	WO9617628	6/13/1996	PCT	A61K	49/OO	No
*	A.M	WO9822146	5/28/1998	PCT	A61K	49/OO	No
*	A.N	WO9844846	10/15/1998	PCT	A61B	5/117	
*	A.O	WO9844838	10/15/1998	PCT	A47L	13/258	
*	A.P	JP 62207686	09/1987	Japan			
✓	A.Q	JP59192595	10/31/84	JP	B 41 M	5/26	Abstract only

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)		
	A.R	Becker et al., Nature Biotechnology, 19, 2001, 327-331.
	A.S	Becker et al., <u>Transferrin Mediated Tumor Delivery of Contrast Media for Optical Imaging and Magnetic Resonance Imaging</u> , Biomedical Optics meeting, January 23-29, 1999, San Jose, CA, 142-150.
	A.T	Bergmark et al., <u>Dramatic Fluorescence Effects for Courmarin Laser Dyes Coincluded with Organic Solvents in Cyclodextrins</u> , J. Phys. Chem., 1990, 94, 5020-5022.

EXAMINER	DATE CONSIDERED
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Substitute Disclosure Form (PTO-1449)

* Did not Receive them

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	B.A	6	2	5	8	3	7	8	07/2001	Schneider et al.	424	450	02/1999
	B.B	6	2	6	4	9	2	0	07/2001	Achilefu et al.	424	9.6	08/2000
	B.C	6	3	9	5	2	5	7	05/2002	Achilefu et al.	424	9.6	01/2000
	B.D	6	4	0	6	7	1	3	06/2002	Janoff et al.	424	450	04/1995
	B.E	6	4	8	5	7	0	4	11/2002	Rajagopalan et al.	424	9.1	05/2001
	B.F	6	7	0	6	2	5	4	03/2004	Achilefu et al.	424	9.6	05/2001
	B.G												
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✱	B.L	WO 98/48838						11/1998	WIPO	A61K	41/O0	Yes	
✱	B.M	WO 98/48846						11/1998	WIPO	A61K	49/O0	Yes	
	B.N												
	B.O												
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OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)													
	B.R	Braun-Falco et al., <u>Liposome Dermatics</u> , Greisbach Conference, Springer-Verlag, 1992, pp. 69-81, 91-117.											
	B.S	M. Brinkley, <u>A Brief Survey of Methods for Preparing Protein Conjugates with Dyes, Haptens, and Cross-Linking Reagents</u> , American Chemical Society, Reprinted from Bioconjugate Chemistry, Vol. 3, No. 1, Jan./Feb. 1992, 59-70.											
	B.T	J. Caesar et al., <u>The Use of Indocyanine Green in the Measurement of Hepatic Blood Flow and As a Test of Hepatic Function</u> , Clin. Sci., 21, 1961, 43-57.											
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OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)							
	C.R	G.R. Cherrick et al., <u>Indocyanine Green: Observations on Its Physical Properties, Plasma Decay, and Hepatic Extraction</u> , J. Clinical Investigation, 39, 1960, 592-600.					
	C.S	M. de Jong et al., <u>Comparison of 111In-labeled Somatostatin Analogues for Tumor Scintigraphy and Radionuclide Therapy</u> , Cancer Research., 58, February 1, 1998, 437-441.					
	C.T	Delaey et al., J. Photochem. Photobiol. B: Biol. 55, 2000, 27-36.					
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OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	D.R	J.H. Flanagan, Jr. et al., <u>Near-Infrared Heavy-Atom-Modified Fluorescent Dyes for Base-Calling in DNA-Sequencing Applications Using Temporal Discrimination</u> , Anal. Chem., 70:13, July 1, 1998, 2676-2684.
	D.S	Y-L He et al., <u>Measurement of Blood Volume Using Indocyanine Green Measured with Pulse-Spectrophotometry: Its Reproducibility and Reliability</u> , Critical Care Medicine, 26:8, 1998, 1446-1451.
	D.T	PCT, <u>International Search Report</u> , PCT/US01/01407, mailed on May 16, 2001.

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	E.R	R.K. Jain , <u>Barriers to Drug Delivery in Solid Tumors</u> , Scientific American, July, 1994, 58-65.					
	E.S	Giulio Jori, <u>Novel Therapeutic Modalities Based on Photosensitized Processes</u> , EPA Newsletter, No. 60, July 1997, 12-18.					
	E.T	Giulio Jori, <u>Far-red-absorbing photosensitizers: their use in the photodynamic therapy of tumours</u> , J. Photochem. Photobiol. A: Chem., 62, 1992, 371-378.					
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OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)							
	F.R	Jori and Reddi, <u>Second Generation Photosensitizers for the Photodynamic Therapy of Tumours</u> , Light in Biology and Medicine, Vol. 2, 1991, 253-266.					
	F.S	Giulio Jori, <u>Tumour photosensitizers: approaches to enhance the selectivity and efficiency of photodynamic therapy</u> , Journal of Photochemistry and Photobiology, B: Biology, 36, 1996, 87-93.					
	F.T	Kanno et al., Chemical Abstract, 109:201583 for JP 62207686, 1987.					
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	G.R	Lasic and Martin (eds.), <u>Stealth Liposomes</u> , 1995 CRC Press, London, 1-6, 13-62, 93-147, 197-210, 233-244.					
	G.S	Licha et al., <u>Bioconjugate Chem.</u> , 12, 2001, 44-50.					
	G.T	R.B. Mujumdar et al., <u>Cyanine Dye Labeling Reagents: Sulfoindocyanine Succinimidyl Esters</u> , <u>Bioconjugate Chemistry</u> , 4:2, March/April 1993, 105-111.					
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	H.R	N. Narayanan et al., <u>A New Method for the Synthesis of Heptamethine Cyanine Dyes: Synthesis of New Near-Infrared Fluorescent Labels</u> , J. Org. Chem. 60, 1995, 2391-2395.					
	H.S	G. Patonay et al., <u>Near-Infrared Fluorogenic Labels: New Approach to an Old Problem</u> , Analytical Chemistry, 63, 1991, 321A-327A.					
	H.T	G.A. Reynolds et al., <u>Stable Heptamethine Pyrylium Dyes That Absorb in the Infrared</u> , J. Org. Chem., 42:5, 1977, 885-888.					
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	I.R	J. Slavik, <u>Fluorescent Probes in Cellular and Molecular Biology</u> , CRC Press, Inc., Boca Raton, Florida, 1994.					
	I.S	P.L. Southwick et al., <u>"One Pot" Fischer Synthesis of (2,3,3-trimethyl-3-H-indol-5-yl)-Acetic Acid. Derivatives as Intermediates for Fluorescent Biolabels</u> , Org. Prep. Proced. Int. Briefs, 20:3, 1988, 279-284.					
	I.T	L. Strekowski et al., <u>Substitution Reactions of a Nucleofugal Group in Heptamethine Cyanine Dyes. Synthesis of an Isothiocyanato Derivative for Labeling of Proteins with a Near-Infrared Chromophore</u> , J. Org. Chem., 57, 1992, 4578-4580.					
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	J.R	B.C. Wilson, <u>Optical Properties of Tissue</u> , Encyclopedia of Human Biology, Sec. Ed., Vol. 6, Academic Press, 1991, 451-461.					
	J.S	Brian C. Wilson, <u>Optical Properties of Tissues</u> , Encyclopedia of Human Biology, Vol. 5, Academic Press, 1991, 587-597.					
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